

**PROCEEDINGS  
SPECIAL TOWN MEETING  
MAY 19, 2008**

On Monday, May 19, 2008, Town Clerk Maxwell Gould opened the Special Town Meeting at 7:25 P.M. "With 83 RTM members present, we have a quorum."

Town Moderator, Steve Dalrymple, read the warrant.

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING  
MONDAY, MAY 19, 2008  
THE COMMONWEALTH OF MASSACHUSETTS**

**Bristol, ss.**

**To either Constables of North Attleborough:**

**GREETINGS:**

**In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town of North Attleborough to meet at the North Attleborough Middle School Cafetorium, in said North Attleborough on:**

**MONDAY, THE 19<sup>TH</sup> OF MAY 2008 A.D.**

**At 7:00 P.M., then and there upon the following articles to wit:**

And you are hereby directed to serve this warrant by posting up attested copies thereof in at least seventeen public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this Thursday, March 27, 2008.

John C. Rhyno, Chairman  
Dale S. Langille, Vice-Chairman  
Paul J. Belham  
Mark Williamson  
Michael S. Thompson

BRISTOL, ss.

Pursuant to this within warrant, I have notified the inhabitants of the Town of North Attleborough within described, to meet at the time and place for the purpose within mentioned by posting attested copies of this warrant in seventeen (17) public places in said town twenty-one (21) days before the time of said meeting.

Chief Michael P. Gould, Sr.  
Constable  
Town of North Attleborough

1. Central Fire Station – Elm Street
2. Richards Memorial Library
3. Town Offices – Town Clerk
4. Cushman Union Church
5. Allen Avenue Fire Department
6. Bristol County Savings Bank
7. Falls Post Office







Or to do or act in any other manner relative thereto.

Board of Public Works

**PURPOSE AND JUSTIFICATION:**

The Forestry Division has expended its overtime appropriation. The Forestry overtime is used to respond to calls from Residents and Police with regards to fallen trees and other tree related emergencies.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That consideration of this article be indefinitely postponed

**FINANCE COMMITTEE REASON:** This article was handled under the MGL Chapter 77 of the Acts of 2006, that allows transfers during the last two months of the fiscal year with a concurrent vote of both the Board of Selectmen and the Finance Committee by the Town Accountant.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 8**

**DEPARTMENTAL TRANSFER**

**BPW**

To see if the Town will vote to amend Article 5 of the FY 2008 Annual Town Meeting by transfer of the following items:

Item 421 DPW Admin. \$35,000.00 Salaries to

Item 421 DPW Admin General Expenses

Or to do or act in any other manner relative thereto.

Board of Public Works

**PURPOSE AND JUSTIFICATION:**

To supplement the replacement of obsolete office supplies and furnishings of the DPW Administration.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to transfer \$35,000.00 from the DPW Administration (Acct. 421), Salaries into the DPW Administration (Acct. 421) General Expenses.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 9**

**DEPARTMENTAL TRANSFER**

**BPW**

To see if the Town will vote to amend Article 5 of the FY 2008 Annual Town Meeting by transfer of the following items:

Item 422 DPW Highway \$5,000.00 General Expenses to

Item 422 DPW Highway Salaries

Or to do or act in any other manner relative thereto.

Board of Public Works

**PURPOSE AND JUSTIFICATION:**

The Highway Division has expended its overtime appropriation. The Highway overtime is used to respond to calls from Residents and Police with regards to streets, sidewalks and other related emergencies. Heavy rains and flooding have been the reason for much of the overtime spending to date.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That consideration of this article be indefinitely postponed

**FINANCE COMMITTEE REASON:** This article was handled under the MGL Chapter 77 of the Acts of 2006, that allows transfers during the last two months of the fiscal year with a concurrent vote of both the Board of Selectmen and the Finance Committee by the Town Accountant.

**The RTM members approved the Finance Committee's recommendation as read.**





This line item has been budget for \$100,000 for over ten years, but it has not been adjusted for inflationary increases during that time period. However, the cost of road salt, labor and fuel related to snow removal work has increased tremendously over the past decade.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY ROLL CALL VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate the sum of \$322,025.52 to supplement Article 5, Line 423, Snow and Ice, of the Annual Town Meeting for Fiscal Year 2008. Specifically \$288,085.04 into the General Expense Account and \$33,940.48 into the Salary Account. \$98,590.87 to be paid from Free Cash, \$115,557.92 to be paid from the Overlay Surplus Account, \$55,251.57 to be paid from the Property & Liability Insurance Account (Acct. 945), \$2625.16 to be paid from the Town Audit Account (Acct. 136) and \$50,000.00 to be paid from the Unemployment Account (Acct. 913).

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

Robert Norton (P9) made a motion as follows:

*I would like to make a motion that the Town vote to amend Article 15, Supplement Snow and Ice, by increasing the amount by \$2,516.25 to \$324, 541.77. Specifically, \$290,601.29 into General Expenses Account and \$33, 940.48 into the Salary Account, and said additional sum to be paid from Property & Liability Insurance Account (acct 945). Increasing the amount to be paid from this account to \$57, 767.82.*

Motion seconded.

**The RTM members approved the motion to amend.**

**AMENDED RECOMMENDATION:** That the Town vote to appropriate the sum of **\$324, 541.77** to supplement Article 5, Line 423, Snow and Ice, of the Annual Town Meeting for Fiscal Year 2008. Specifically **\$290, 601.29** into the General Expense Account and \$33,940.48 into the Salary Account. \$98,590.87 to be paid from Free Cash, \$115,557.92 to be paid from the Overlay Surplus Account, **\$57,767.82** to be paid from the Property & Liability Insurance Account (Acct. 945), \$2625.16 to be paid from the Town Audit Account (Acct. 136) and \$50,000.00 to be paid from the Unemployment Account (Acct. 913).

The Moderator declared that according to Town By-Laws, unanimity will dispense of the Roll Call Vote requirement.

**The RTM members unanimously approved the motion to dispense with a Roll Call Vote.**

**The RTM members unanimously approved Article 15 as amended.**

**ARTICLE 16**

**WHITING STREET REHAB.**

**MUNICIPAL BLDG. COMM.**

To see if the Town will vote to appropriate an additional \$100,000 to supplement Article 33 of the 06/07 ATM for the Building Rehabilitation of the DPW Facility located at 49 Whiting Street for additional costs incidental and related thereto; and that to meet such appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$100,000.00 at one time or from time to time, under and pursuant to Chapter 44, section 7(3A) and (21) of the General Laws, as amended and supplemented, or any other enabling authority, and issue bonds or notes of the Town therefore.

Or to do or act in any other manner relative thereto.

Municipal Building Committee

**PURPOSE AND JUSTIFICATION:**

Due to unforeseen circumstances, the original appropriation for the rehab work is not adequate to cover the work, therefore additional funds are needed to proceed with the renovation at 49 Whiting Street.

**FINANCE COMMITTEE VOTE: 5-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the sum of \$74,000.00 be and hereby is appropriated, to be expended in addition to funds previously appropriated under Article 33 of the Warrant at the May 2006 Annual Town Meeting, for the payment of costs of rehabilitating the Department of Public Works facility located at 49 Whiting Street, and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to

Chapter 44, Sections 7(3A) and 7(21) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM members approved the Finance Committee's recommendation as read. 2/3's vote obvious to the Moderator.**

**ARTICLE 17 UPGRADES TO FALLS & COMMUNITY SCHOOL MUNICIPAL BLDG. COMM.**

To see if the Town will vote to appropriate an additional \$100,000 to supplement Article 12 of the May 06/07 ATM for the replacement of the fire doors and other work related thereto, and for costs incidental and related thereto, in the Community Elementary School and the Falls Elementary School.

Or to do or act in any other manner relative thereto.

Municipal Building Committee

**PURPOSE AND JUSTIFICATION:**

Due to a preliminary underestimate and escalation costs, the original appropriation for the project is inadequate to cover the work, therefore additional funds are needed.

**FINANCE COMMITTEE VOTE: 5-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the sum of \$80,000.00 be and hereby is appropriated, to be expended in addition to funds previously appropriated under Article 12 of the Warrant at the May 2006 Annual Town Meeting, for the payment of costs of replacing fire doors at the Community and Falls Elementary Schools and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3A) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM members approved the Finance Committee's recommendation as read. 2/3's vote obvious to the Moderator.**

**ARTICLE 18 SUPPLEMENT BUDGET REQUEST SCHOOL COMMITTEE**

To see if the Town will vote to appropriate the sum of \$120,000, or any other sum, to supplement Article 5, School Department Budget, General Expenses of the FY 2008 omnibus act, School Department Expenses, for the purpose of addressing shortfalls in utilities line items due to increases in energy costs. Said sum shall be raised by taxation, transfer of available funds, or otherwise.

Or to do or act in any other manner relative thereto.

School Committee

**PURPOSE AND JUSTIFICATION:**

Increased utility (oil, electricity, natural gas) costs have led to a projected shortfall in funds appropriated for those line items.

**FINANCE COMMITTEE VOTE: 3-0-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That consideration of this article be indefinitely postponed

**FINANCE COMMITTEE REASON:** The petitioner requested that this article be indefinitely postponed.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 19 SUPPLEMENT BUDGET REQUEST SCHOOL COMMITTEE**

To see if the Town will vote to appropriate the sum of \$80,000, or any other sum, to supplement Article 5, School Department Budget, Transportation Expenses of the FY 2008 omnibus act, School Department Expenses. Said sum shall be raised by taxation, transfer of available funds, or otherwise.

Or to do or act in any other manner relative thereto.  
School Committee

**PURPOSE AND JUSTIFICATION:**

Increased fuel costs have lead to a projected shortfall in funds appropriated for the transportation of children with special needs.

**FINANCE COMMITTEE VOTE: 4-0-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to allow the transfer of \$80,000, from the School Department General Expenses Operating Budget, into The School Department Transportation Expense Account of the FY 2008 Omnibus Budget.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 20**

**RESCIND PREVIOUS ARTICLE**

**BPW**

To see if the Town will vote to rescind Article #7, Part 2, Item 29 of the May 2006 Annual Town Meeting in the amount of \$37,000, which vote authorized appropriations for the purchase of a replacement pick-up truck to be paid through Sewer Retained Earnings.

Or to do or act in any other manner relative thereto.  
Board of Public Works.

**PURPOSE AND JUSTIFICATION:**

Town Meeting Vote authorized the purchase of a replacement pick-up truck to be paid through Sewer Retained Earnings. For FY06, there were not sufficient funds available to purchase the vehicle.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to rescind Article #7, Part 2, Item 29 of the May 2006 Annual Town Meeting in the amount of \$37,000, which authorized appropriations for the purchase of a replacement pick-up truck to be paid through Sewer Retained Earnings.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM Members approved the Finance Committee's recommendation as read.**

**ARTICLE 21 AUTHORIZATION FOR 10 YEAR CONTRACT**

**BOARD OF SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to enter into a ten (10) year agreement with an appropriate vendor for solid waste collection and disposal and for recyclable collection and disposal.

Or to do or act in any other manner relative thereto.  
Board of Selectmen

**PURPOSE AND JUSTIFICATION:**

The town's current contract is ending. This vote is required to allow the Board to enter into contract negotiations for a contract in excess of three years.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to authorize the Board of Selectmen to enter into a ten (10) year agreement with an appropriate vendor for solid waste collection and disposal and for recyclable collection and disposal.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 22**

**TRENCH BY-LAW**

**BOARD OF SELECTMEN**

To see if the Town will vote to amend the Town By-Laws by creating Article XXII "Excavation of Trenches" to read

"Section 1. No person, corporation, town department or other legal entity except in an emergency shall cause to excavate a trench in a public way, public property or privately owned land until a permit is obtained from the appropriately designated permitting authority. For persons, corporations, town departments or other legal entities that require multiple trenches, excavation in a public way, public property or privately owned land over the course of a single project may request a blanket permit which shall list the trenches and location as they become required.

- a. A "trench" is defined as "an excavation which is narrow in relation to its length, made below the surface ground in excess of three (3) feet below grade and the depth of which is, in general, greater, than the width, but the width of the trench, as measured at the bottom, is no greater than fifteen (15) feet.
- b. An "emergency" is a condition in which the safety of the public is in imminent danger, such as a threat to life or where immediate correction is required to maintain or restore essential public utility service.

Section 2. The Board of Selectmen shall be the designated Board to issue permits for the purpose of creating a trench, as defined in Section 1a.

Or to do or act in any other manner relative thereto.  
Board of Selectmen

**PURPOSE AND JUSTIFICATION:**

To abide by state mandates.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That consideration of this article be indefinitely postponed

**FINANCE COMMITTEE REASON:** The Finance Committee was presented with some wording changes to the article. The Committee feels it would be more appropriate to have wording changes made to this article and then have it resubmitted for the Special Town Meeting in October for reconsideration.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 23 AMEND ZONING BYLAWS AQUIFER PROTECTION**

**PLANNING BOARD**

To see if the Town will vote to amend the Zoning By-Laws, Section D: Aquifer Protection District to strike out the following wording and to be read as follows:

(i) Business and industrial uses, ~~not agricultural~~, which manufacture, use, process, store, or dispose of hazardous materials or wastes including but not limited to metal plating, chemical manufacturing, wood preserving, future stripping, dry cleaning, auto body repair, manufacture or pesticides, fertilizers, weed killers and herbicides, and commercial facilities for the storage or treatment of hazardous waste.

(v) Business and industrial uses ~~not agricultural~~ which involve the onsite disposal of process wastes from operations.

(vii) ~~Underground storage and/or transmission of petroleum products excluding liquefied petroleum gas, unless all requirements for secondary containment specified in 310 CMR 30.963 are met.~~ No new underground storage and/or transmission of petroleum products excluding liquefied petroleum gas. Only replacement tanks and secondary containments for underground storage are allowed within this district.

(viii) Outdoor storage of ~~herbicides or animal manure in quantities not incidental to normal agricultural operations~~ or not in accordance with specifications of the United States National Resource Conservation Service (NRCS),

unless such storage is within a structure designed to prevent the generation and escape of contaminated run off or leachate.

And to add the following new section xiv:

- (xiv) Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983, not including liquefied petroleum gas. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication. Standard Industrial Classification Manual and any subsequent amendments thereto;

Or to do or act in any other manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION:**

The purpose of these bylaw changes are to comply with the MA Wellhead Protection regulations and to protect the MassDEP approved Zone II delineations. Amending the Aquifer Protection District regulations will allow the Town of North Attleborough to meet the wellhead protection conditions of the water withdrawal permit.

**FINANCE COMMITTEE VOTE: 5-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to approve this article and amend the Zoning By-Laws, Section D: Aquifer Protection District to read as follows;

( i ) Business and industrial uses, which manufacture, use, process, store, or dispose of hazardous materials or wastes including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, auto body repair, manufacture or pesticides, fertilizers, weed killers and herbicides, and commercial facilities for the storage or treatment of hazardous waste.

(v) Business and industrial uses which involve the onsite disposal of process wastes from operations.

(vii) No new underground storage and/or transmission of petroleum products excluding liquefied petroleum gas. Only replacement tanks and secondary containments for underground storage are allowed within this district.

(viii) Outdoor storage of animal manure not in accordance with specifications of the United States National Resource Conservation Service (NRCS), unless such storage is within a structure designed to prevent the generation and escape of contaminated run off or leachate.

And to add the following new section xiv:

- (xiv) Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983, not including liquefied petroleum gas. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

The Moderator read the following letter from the Planning Board into the record:

*April 30, 2008*

*Stephen Dalrymple*

*Town Moderator*

*43 South Washington Street*

*North Attleborough, MA 02760*

*Re: Articles Pertaining to Proposed Amendments to the Zoning By-Laws and Zoning Map for the May 19, 2008 Annual and Special Town Meetings.*



After some discussion John Donahue (P7) made a motion to move the question.  
Motion seconded.  
Motion carried.

**The RTM members approved the Finance Committee's recommendation as read. 2/3's vote obvious to the Moderator. The Moderator asked that the record reflect that Dave Manoogian (P8) abstained from the vote.**

**ARTICLE 25                      QUITCLAIM DEED PLAIN STREET                      BOARD OF SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to convey by Quitclaim Deed the Town's right, title and interest in the land situated on the north side of Plain Street just east of the Interstate I-95 beyond the Plain Street bridge overpass; shown as a triangular parcel of land with 17,328 square feet, (formerly Plain Street proper), now a portion of the excess land known as the layout for Plain Street, abutting Plat 37, Lot 275: 388.17 feet in width, abutting the new Plain Street layout: 304.49 feet in width; with the length of 108.40 feet on the east side from the abutting point of Plat 37, Lot 275 and the new Plain Street layout; in consideration of a sum not less than \$65,000.00. Map attached.

Or to do or act in any other manner relative thereto.  
Board of Selectmen  
See Attached

**PURPOSE AND JUSTIFICATION:**

This parcel prohibits (based upon existing zoning) two parcels from any future development as they are contiguous to the property known as Lot 27t on Plat 37 in North Attleboro and Lot 2 on Plat 1 in Mansfield because at this point the two parcels do not have any frontage on Plain Street.

**FINANCE COMMITTEE VOTE: 5-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to authorize the Board of Selectmen to convey by Quitclaim Deed the Town's right, title and interest in the land situated on the north side of Plain Street just east of the Interstate I-95 beyond the Plain Street bridge overpass; shown as a triangular parcel of land with 17,328 square feet, (formerly Plain Street proper), now a portion of the excess land known as the layout for Plain Street, abutting Plat 37, Lot 275: 388.17 feet in width, abutting the new Plain Street layout: 304.49 feet in width; with the length of 108.40 feet on the east side from the abutting point of Plat 37, Lot 275 and the new Plain Street layout; in consideration of a sum not less than \$65,000.00.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

Following some discussion, Leonard Pierce (P5) made a motion to move the question.  
Motion seconded.  
Motion carried.

**The RTM members approved the Finance Committee's recommendation as read. 2/3's vote obvious to the Moderator.**

Motion made to adjourn the Special Town Meeting Sine Die.  
Motion seconded.  
Motion carried.

It is 8:47 PM.